

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**D.A. NOLT, INC.,**

*Plaintiff*

**v.**

**THE PHILADELPHIA MUNICIPAL  
AUTHORITY, et al.,**

*Defendants*

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**CIVIL ACTION**

**No. 18-4997**

**AMENDED SCHEDULING ORDER**

**AND NOW**, this 18<sup>th</sup> day of June, 2020, it is **ORDERED** that the case shall proceed on the following schedule:

**Final Pretrial Conference, Preparations and Required Submissions, and Trial Pool**

1. A final pretrial conference will be held with the Honorable Gene E.K. Pratter on **January 4, 2021, at 2:00 PM**, in Chambers. Lead trial counsel is required to appear at the conference. If trial counsel is on trial in another matter, an attorney in his or her office who is thoroughly familiar with this case is required to appear at the conference.

2. The parties shall meet to prepare a complete and comprehensive **Stipulation of Uncontested Facts** pursuant to Local Rule of Civil Procedure 16.1 (d)(2)(b)(2). Two (2) copies of such Stipulation shall be submitted to the Court in Chambers by **December 4, 2020**. The original shall be filed with the Clerk of the Court.

3. By **December 4, 2020**, each party shall submit to the Court (Chambers)

a. Two (2) copies of (a) proposed findings of fact and conclusions of law, (b) motions *in limine* (excepting *Daubert* motions), and (c) a trial memorandum on the legal issues involved in the case. The originals shall be filed with the Clerk of the Court and a copy served on

each opponent's counsel. Responses to any motions *in limine* are due no later than 7 days from the date the motions are served.

b. The Stipulation of Uncontested Facts detailed in paragraph 2.

4. The trial date certain for this case will be **January 11, 2021 to January 18, 2021**.

The case will be tried non-jury.

#### **Other Trial Preparations**

5. If any party desires an offer of proof as to any witness or exhibit, that party shall informally inquire of opposing counsel or unrepresented party prior to trial for such information. If the inquiring party is dissatisfied with any offer provided, such party shall file a motion seeking relief from the Court prior to trial.

6. Because a witness may be unavailable at the time of trial as defined in Federal Rule of Civil Procedure 32(a)(3), the Court expects use of oral or videotape depositions at trial of any witness whose testimony a party believes essential to the presentation of that party's case, whether that witness is a party, a non-party or an expert. The unavailability of any such witness will not be a ground to delay the commencement or progress of an ongoing trial. In the event a deposition is to be offered, the offering party shall file with the Court, prior to the commencement of the trial, a copy of the deposition transcript, but only after all efforts have been made to resolve objections with other counsel. Unresolved objections shall be noted in the margin of the deposition page(s) where a Court ruling is necessary and a covering list of such objections is also required.

7. At least three (3) days before the trial date certain, counsel are to supply the Court with two (2) copies of each exhibit, and three (3) copies of a schedule of exhibits which briefly describes each exhibit.

### **General Expectations**

8. All counsel and unrepresented parties are expected to review the Court's General Policies and Procedures and Guidelines for Trial and Other Proceedings in the Courtroom available on the Court's website at [www.paed.uscourts.gov](http://www.paed.uscourts.gov) concerning the conduct of the litigation, including trial. Any party desiring a hard copy of this document may call the Court's Civil Deputy, Ms. Susan Flaherty, at 267-299-7350, to request a copy. These Policies and Procedures address many issues that frequently arise during the pendency of cases, and all counsel and unrepresented parties are expected to follow those procedures in spirit and in fact.

9. All counsel shall take such steps and undertake such procedures and processes so as to assure their use of the electronic docketing and document availability and retrieval systems operated by the Eastern District of Pennsylvania available from the Court.

10. **EXTENSIONS OF TIME:** Any necessary application for extension of any time deadlines, change in conference(s), or trial date(s) set forth in this Order shall be made in writing and submitted to the Court no later than three (3) days prior to the date sought to be changed or extended. Any such request shall include a factual verification of counsel or unrepresented party or witness showing good cause for the request, shall contain a statement of the position of all other parties as to the request, and, if the request relates to a discovery deadline, shall recount what discovery the parties have thus far accomplished.

**BY THE COURT:**



**GENE E.K. PRATTER**  
**UNITED STATES DISTRICT JUDGE**